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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Connecticut Department of) RM No. 9258
Public Utility Control Petition)
for Amendment to Rulemaking)

REPLY COMMENTS OF VANGUARD CELLULAR SYSTEMS, INC.

VANGUARD CELLULAR SYSTEMS, INC.

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Dated: May 18, 1998

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SUMMARY

The Commission should deny the Petition for Amendment to Rulemaking submitted by the Connecticut Department of Public Utility Control ("DPUC"). As shown in the comments, the DPUC failed to provide any basis for a change to the Commission's well-founded prohibition of service-specific area code overlays.

First, the Commission must recognize that wireless providers are insignificant contributors to number consumption. Wireless providers use numbers more efficiently than landline carriers and can make efficient use of almost all numbers assigned to them. Thus, the responsibility for the current numbering emergency cannot be placed on wireless providers or any single technology or service provider.

Indeed, and despite claims to the contrary, wireless providers are committed to number conservation efforts and will participate in conservation programs when it is *technically feasible* to do so. Although wireless providers cannot participate in formal number pooling programs today, they have taken explicit steps to conserve numbers on their own.

Finally, wireless-only overlays would impose significant burdens on wireless providers and customers. While some parties attempt to downplay the costs of wireless-only overlays, these costs could exceed those imposed by geographic splits. Moreover, wireless-only overlays would have the effect of stifling the emerging competition between landline and wireless providers and would eliminate any way to integrate numbering for wireless and landline when competition matures. Thus, the Commission should deny the petition.

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REPLY COMMENTS OF VANGUARD CELLULAR SYSTEMS, INC.

Vanguard Cellular Systems, Inc. ("Vanguard"), by its attorneys, hereby submits these reply comments in the above-referenced proceeding.^{1/} As shown below, the comments demonstrate that the Commission should deny the Petition for Amendment to Rulemaking (the "Petition") submitted by the Connecticut Department of Public Utility Control (the "DPUC") as contrary to the Communications Act and the Commission's procompetitive policies. Most interested parties, including incumbent local exchange carriers ("ILECs"), competitive local exchange carriers ("CLECs") and wireless providers, agree that the DPUC has failed to provide evidence of any circumstances that would warrant a change to the Commission's well-reasoned prohibition of service-specific area code overlays.^{2/} As Vanguard and others made clear in their

^{1/} Connecticut Department of Public Utility Control Files Petition for Rulemaking, Public Comment Invited, *Public Notice*, RM No. 9258, DA 98-743, released April 17, 1998.

^{2/} See, e.g., Comments of AirTouch Communications, Inc. ("AirTouch") at 2-3; Comments of AT&T Wireless Services, Inc. ("AT&T") at 7-8; Comments of the Cellular Telecommunications Industry Association ("CTIA") at 2; Comments of GTE Service Corporation ("GTE") at 6-7; Comments of MCI Telecommunications Corporation ("MCI") at 1; Comments of Nextel Communications, Inc. ("Nextel") at 2; Comments of Northcoast Communications, LLC ("Northcoast") at 1-2; Comments of Paging Network, Inc. ("PageNet") at 7; Comments of SBC Wireless, Inc. ("SBC") at 5; Joint Comments of SNET Cellular, Inc., SNET Mobility, Inc., and Springwiche Cellular, L.P. (collectively "SNET") at 6-8; Comments of Teleport Communications Group, Inc. ("TCG") at 1; Comments of TSR Wireless, LLC at 1;

(continued...)

comments, landline and wireless services compete today and elimination of the service-specific overlay prohibition would harm the continued development of landline/wireless competition.^{3/}

The few comments that support the Petition are based on misconceptions regarding wireless use of numbering resources and the ability of wireless providers to participate in some number conservation programs.^{4/} The Commission should reject attempts by parties to characterize technical limitations as an unwillingness to cooperate with number conservation efforts. As demonstrated below, wireless providers use numbering resources more efficiently than landline carriers and, thus, are not the primary source of number exhaust.

I. SEGREGATING WIRELESS PROVIDERS TO SERVICE-SPECIFIC OVERLAYS WILL NOT SOLVE THE CURRENT NUMBERING CRISIS

A. Wireless Providers Are Minor Contributors to Number Exhaust

In their comments, the Ad Hoc Telecommunications Committee and State Advocates falsely accuse wireless service demand of being the primary source of stress on numbering resources.^{5/} In truth, a number of factors contributed to the current number shortage, including

^{2/} (...continued)

Comments of the United State Telephone Association ("USTA") at 2.

^{3/} See Comments of Vanguard at 6-7; Comments of BellSouth Corporation at 2-3; Comments of AT&T at 12; Comments of CTIA at 7; Comments of Northcoast at 4; Comments of SBC at 6; Comments of USTA at 6.

^{4/} See, e.g., Comments of the Ad Hoc Telecommunications Users Committee ("Ad Hoc") at i, 6-9; Comments of the State Advocates in Support of Allowing an Area Code Overlay for Mobile Carriers ("State Advocates") at 7-8; Comments of the Public Utility Commission of Texas ("Texas") at 6-7.

^{5/} See Comments of Ad Hoc at 2; Comments of State Advocates at 8. The State
(continued...)

the recent growth of CLECs. Wireless providers admittedly require some numbering resources to accommodate subscriber growth, but wireless providers hold only a small percent of assigned NXX codes in most NPAs.^{6/} Vanguard, for instance, holds only 7 percent of the assigned NXX codes in the 717 NPA and 3 percent of the assigned NXX codes in the 610 NPA.^{7/} By comparison, as explained below, a CLEC that wanted to serve an equivalent area of the 610 NPA would require two and half times as many NXX codes as Vanguard uses today, even if it served only one customer in each local calling area.

Indeed, responsibility for the current numbering crisis cannot be assigned to any single technology or service provider. As the State Advocates admit, the need for additional NPA-NXX codes stems from demands of both landline and wireless providers.^{8/} Today, most NXX codes are held by ILECs. CLECs have made a significant contribution to number exhaust because CLECs must match existing landline rate centers.^{9/} Thus, a CLEC must order a minimum of one NXX code with 10,000 numbers assigned to it in each rate center within its service area, regardless of the number of subscribers residing in each rate center. As CTIA

^{5/} (...continued)

Advocates, for instance, argue that wireless providers disproportionately and intentionally obtain numbers in urban areas, thereby accelerating number exhaust. Comments of Ad Hoc at 6-7. For the record, Vanguard serves mostly medium-sized and smaller MSAs and RSAs. *See* Declaration of Patricia C. Huneycutt ("Huneycutt Declaration"), attached hereto as Exhibit 1.

^{6/} *See* Huneycutt Declaration; Comments of AT&T at 14.

^{7/} *See* Huneycutt Declaration.

^{8/} Comments of State Advocates at 7.

^{9/} *See* Comments of CTIA at 10; Comments of Nextel at 5, n. 8.

points out, the DPUC has certified more than 40 competitive providers, all of whom must have access to state numbering resources.^{10/}

For these reasons, it is clear that wireless providers are not the primary source of stress on numbering resources. The argument to the contrary is especially inappropriate because wireless providers use numbers more efficiently than landline carriers.^{11/} In fact, "wireless providers are technically capable of making efficient use of virtually *all* numbers assigned to them."^{12/}

Wireless providers, unlike landline carriers, are not tied to specific rate centers and, thus, require fewer numbers to serve a given area.^{13/} Because wireless providers can spread out assigned numbers over a larger territory, very few numbers are left unassigned or "stranded." Wireless providers also recycle numbers more quickly than landline carriers.^{14/}

Such efficient numbering leads to very high fill rates among wireless providers.^{15/} As PCIA points out, wireless providers typically have fill rates in excess of 80 percent.^{16/} AirTouch

^{10/} Comments of CTIA at 12.

^{11/} See Huneycutt Declaration; Comments of AirTouch at 4-5; Comments of AT&T at 14-15; Comments of CTIA at 10; Comments of PCIA at 4.

^{12/} Comments of PCIA at 4 (emphasis added).

^{13/} See Huneycutt Declaration.

^{14/} See Huneycutt Declaration (describing a 90-day recycling time for numbers assigned to Vanguard).

^{15/} Fill rate is the percentage of the numbers assigned that are actually in use. See Comments of AirTouch at 5; Comments of PCIA at 4.

^{16/} Comments of PCIA at 4.

cited its average utilization rate at above 80 percent^{17/} and Vanguard's own fill rate is greater than 80 percent in Pennsylvania.^{18/}

These numbers indicate that wireless providers are efficient users of numbering resources. Consequently, the Ad Hoc Telecommunications Users Committee's use of the word "inefficient" to describe wireless carrier use of numbers^{19/} is simply wrong. The facts described above plainly support the proposition that wireless providers are efficient and responsible users of numbering resources.

B. Wireless Providers Support Numbering Conservation Efforts

Certain commenters suggest that wireless provider "opposition" to number conservation measures justifies segregating wireless services into service-specific overlays, as if to punish them.^{20/} There is no basis for this argument. Wireless providers, including Vanguard, are committed to number conservation efforts and will participate in conservation programs when it is *technically feasible* to do so.^{21/} Unfortunately, as described below, wireless carrier participation in some numbering conservation programs is impossible at this time.^{22/}

^{17/} Comments of AirTouch at 5.

^{18/} See Huneycutt Declaration. Although Vanguard has not performed fill rate calculations for other areas it serves, these results are consistent with Vanguard's experience.

^{19/} Comments of Ad Hoc at i.

^{20/} See, e.g., Comments of Ad Hoc at 7.

^{21/} See, e.g., Comments of AirTouch at 3; Comments of PageNet at 8-9.

^{22/} See Declaration of Sandy Kiernan at 1-2 (describing Vanguard's current inability to query ported numbers or actually port numbers) ("Kiernan Declaration"), attached hereto as

(continued...)

Attempts to characterize these technical impediments as "business decisions" or "choices" evidence a fundamental misunderstanding of the technical limitations now affecting wireless providers.^{23/} This misunderstanding is particularly evident in the case of number pooling. To participate in number pooling programs, providers must implement permanent number portability.^{24/} Unfortunately, wireless providers do not now have access to the software necessary to provide local number portability because this technology is still being developed by equipment vendors.^{25/} In other words, wireless providers do not have any "choice," but rather an actual inability to participate because the technology necessary to participate in such conservation programs is not yet available.^{26/}

^{22/} (...continued)
Exhibit 2.

^{23/} See Comments of Ad Hoc at 7-8; Comments of Texas at 6-7.

^{24/} Number portability is necessary because it is the mechanism for routing calls to a provider other than the one to whom an NXX code originally was assigned.

^{25/} See Kiernan Declaration at 1-2 (explaining that Vanguard's equipment vendor will not deliver the software necessary to query numbers until the Fall of 1998, and has not committed to providing the software necessary to actually port numbers until sometime in the year 2000).

^{26/} See Comments of SBC at 9. In fact, the fundamental Ad Hoc Telecommunications Users Committee statement that "none of these parties cited any fundamental *technological* reason why they *cannot* participate in number pooling" is absolutely false. Comments of Ad Hoc at 7. In previous proceedings before this Commission and the Pennsylvania Public Utility Commission (including the very Pennsylvania proceeding cited by Ad Hoc at 6 n.12), Vanguard has described the technical limitations preventing it from participating in some conservation measures at this time. See, e.g., Reply Comments of Vanguard, Request for Comment on North American Numbering Council Letter Seeking Clarification of the Term "Technology Neutral," DA 97-2234, CC Docket No. 92-237, filed November 6, 1997, at 2 n.4; Comments of Vanguard, Petition of NPA Relief Coordinator to Resolve 717 Area Code Relief Plan, Docket No. P-00961071, filed before the Pennsylvania

(continued...)

Moreover, number pooling requires technical standards that are currently under development by the North American Numbering Council ("NANC").^{27/} The Commission requested that the NANC issue a report no later than September 23, 1998, that would support a uniform, nationwide system for pooling.^{28/} Number pooling cannot be achieved until these standards are established and adopted by the industry. Indeed, the Pennsylvania Advisory Committee on pooling recommended against attempting to implement pooling until national standards have been set.^{29/} Thus, wireless and landline providers alike cannot participate in number pooling until a uniform, nationwide system for pooling is established.

Even though wireless providers cannot participate in formal number pooling programs, they do engage in pooling to some degree on their own. Because they are not tied to specific rate centers and, thus, can use numbers over a broader geographic area, wireless providers effectively are pooling numbers already. Moreover, wireless providers have taken explicit steps to conserve numbers. For instance, Vanguard reuses numbers rapidly and has acted to reduce the size of

^{26/} (...continued)

Public Utility Commission on March 24, 1998, at 5 n.8; Petition for Reconsideration of Vanguard, Petition for NPA Relief Coordinator to Resolve 412, 717, and 215/610 Area Code Relief Plans, Docket Nos. P-00961027, P-00961071, P-00961061, filed before the Pennsylvania Public Utility Commission on July 30, 1997, at 2-3.

^{27/} See Comments of PageNet at 6.

^{28/} Chairman Alan C. Hasselwander, North American Numbering Council Announces Numbering Resource Optimization Working Group Formation, Organizational Meeting and Agenda, *Public Notice*, DA 98-597, CC Docket No. 97-237, released March 27, 1998.

^{29/} See Report to the Pennsylvania Public Utility Commission by the Implementation Joint Task Force on Architecture and Administrative Guidelines Subcommittees, at 3 (March 20, 1998).

reserved, but unused number blocks whenever possible.^{30/} Consequently, the Commission should recognize that wireless providers already engage in number conservation and will participate in more formal conservation programs as soon as they are able.

II. WIRELESS-ONLY OVERLAYS IMPOSE SIGNIFICANT BURDENS ON WIRELESS PROVIDERS AND CUSTOMERS

As Vanguard stated in its comments, the wireless-only overlay proposed by the DPUC would impose unprecedented burdens on both wireless providers and wireless customers.^{31/} Specifically, a wireless-only overlay would require that the carrier make network and switch changes and also reprogram each individual wireless handset. AT&T estimates these direct costs in the millions of dollars, not including the costs of lost customers and goodwill among remaining customers.^{32/} Consequently, there is little doubt that wireless providers and customers would be affected adversely by a wireless-only overlay.

A few parties, however, attempt to discount the costs associated with implementing a service-specific overlay.^{33/} These parties allege that the cost and inconvenience of losing an existing number is greater for landline service customers than for customers of wireless services.^{34/} However, the costs and inconvenience attributable to landline customers from

^{30/} See Huneycutt Declaration.

^{31/} See Comments of Vanguard at 7.

^{32/} Comments of AT&T at 9.

^{33/} Comments of Ad Hoc at 11-12; Comments of State Advocates at 5.

^{34/} See, e.g., Comments of Ad Hoc at 11-12.

geographic splits are no greater — and may be significantly less — than the costs to wireless customers in the case of a service-specific overlay.

First, **the costs associated with reprogramming every wireless phone in an area code**, as would be required by the DPUC's proposal, **would be enormous**. As Vanguard and others have described, such reprogramming is necessary because wireless handsets, unlike landline telephones, must be programmed with their telephone numbers or they will not work.^{35/} Thus, a service-specific overlay with takebacks would require the overwhelming majority of wireless customers literally to bring their handsets to a service location to have those handsets programmed with the new area code.^{36/} Moreover, this reprogramming would have to take place over a period of only a few months. If customers did not have their phones reprogrammed, their phones would stop working after the end of the permissive dialing period, causing customer confusion and creating even more expense.

^{35/} See Comments of AT&T at 8-9; Comments of SBC at 5-6; Comments of SNET at 12; *see also* Comments of Vanguard, Petition of NPA Relief Coordinator to Resolve 717 Area Code Relief Plan, Docket No. P-00961071, filed before the Pennsylvania Public Utility Commission on March 24, 1998, at 2.

^{36/} Ad Hoc suggests that wireless phones can be reprogrammed over the air or by the customers themselves. Comments of Ad Hoc at 11. This is true for only a small percentage of wireless handsets. Vanguard's equipment vendor has not yet implemented over-the-air reprogramming, and even when that feature is available it will work only with certain advanced handsets that constitute about five percent of Vanguard's installed base. Based on its previous experiences, Vanguard also estimates that only 10 to 20 percent of its customers would be able to reprogram their own handsets, whether or not the handsets are capable of being programmed. Consequently, and for the foreseeable future, the overwhelming majority of Vanguard customers would have to bring their handsets to a service center for reprogramming a new area code required by a service-specific overlay. *See* Kiernan Declaration at 2.

Second, many wireless subscribers also would incur the same costs that landline customers incur in an area code split. Many wireless subscribers use wireless service for business purposes. Implementing a wireless-only overlay would force these subscribers to reprint business cards, notify customers, and suffer loss of business if a potential customer or business associate is unable to contact a representative because of the area code change. These concerns would be particularly serious for paging subscribers, who typically distribute their number widely. Many of the same concerns apply to non-business customers as acceptance of wireless services increases.^{37/} In addition, many government agencies use wireless services, such as paging services for government employees. Thus, many of the costs and inconvenience suffered by landline customers would be likewise applicable to wireless customers.

These costs must be weighed against the minimal, short-term benefits of wireless-only overlays. As USTA points out, the DPUC has overestimated the benefits and underestimated the potential negative effects of a wireless-only overlay: "It would appear that serious questions arise as to whether the unavoidable costs and disruptions to wireless providers and their customers would be a reasonable trade-off for a one year reprieve in the inevitable exhaustion of numbers in Connecticut's existing area codes."^{38/} It is evident from even a cursory analysis that the financial and customer-relation costs of a wireless-only overlay far outweigh the benefits.

^{37/} Indeed, programs like those that allow the first minute of incoming calls to be free and increased availability of calling party pays service will increase the extent to which all wireless customers circulate their telephone numbers and, consequently, the impact of wireless-only overlays.

^{38/} Comments of USTA at 7-8.

III. WIRELESS-ONLY OVERLAYS WOULD STIFLE THE BURGEONING COMPETITION BETWEEN LANDLINE AND WIRELESS PROVIDERS

The correct approach to determining the presence of competition between landline and wireless providers is to consider whether there is *any* substitution taking place between these services.^{39/} The comments show that wireless substitution for landline services already is occurring in some markets. The parties that argue there is no substitution make the same mistake as the DPUC by assuming that the existence of substitution is a black and white determination, rather than a matter of degrees.

The comments are replete with evidence of ongoing substitution between landline and wireless service. BellSouth, for instance, provides evidence that some customers use wireless Personal Communications Services ("PCS") as a substitute for BellSouth's landline service.^{40/} Similarly, USTA reports that some customers have given up their landline service and exclusively use wireless service, or at least frequently use wireless service as an alternative to landline.^{41/} MCI also reports that substitution is occurring in some markets.^{42/}

Recent developments in the wireless market suggest that this trend will continue, particularly as prices for wireless services become more competitive with prices for landline services. In a May 7 letter to Representative Thomas J. Bliley, Jr., Chairman Kennard reported

^{39/} Comments of Vanguard at 5-6. *See also* Comments of CTIA at 9 (stating that "[c]ompetition is a matter of degree, not subject to a binary — on or off — determination").

^{40/} Comments of BellSouth at 2.

^{41/} Comments of USTA at 5.

^{42/} Comments of MCI at 7.

that rates for Commercial Mobile Radio Services ("CMRS") have declined in recent years, stating that "CMRS customers pay less for service today than they did even one year ago" and that "CMRS customers have been seeing significant overall reductions in their rates."^{43/} Moreover, CTIA predicts that, as prices of wireless fall, wireless providers increasingly will position themselves in the same market as landline carriers, thereby increasing competition between the two types of services.^{44/}

Consequently, the Commission must recognize the growing potential for healthy competition between landline and wireless providers, consistent with the Commission's intent to encourage competition in local markets. Indeed, removing barriers to local competition by all providers, regardless of technology, is one of the Commission's main policy objectives.^{45/} Moreover, elimination of the ban on service-specific overlays would substantially impede the development of competition between wireless and landline services and virtually assure that wireless would not become an alternative to landline service.^{46/} Furthermore, if a wireless-only

^{43/} See Letter from William E. Kennard, Chairman, Federal Communications Commission, to Thomas J. Bliley, Chairman, Committee on Commerce, U.S. House of Representatives 2-3 (May 7, 1998). Specifically, Chairman Kennard reports that the average available price of cellular service and PCS dropped 12.3 percent for low-end users, 28.8 percent for mid-level users, and 31.1 percent for high-end users. *Id.* at 4.

^{44/} See Comments of CTIA at 9.

^{45/} See Comments of Vanguard at 7; Comments of AT&T at 11; Comments of GTE at 6; Comments of Northcoast at 4; Comments of SBC at 6.

^{46/} See Comments of Vanguard at 6-7; Comments of AT&T at 12-13; Comments of Northcoast at 4; Comments of SBC at 6; Comments of USTA at 6.

overlay is permitted, there will be no practical way to integrate numbering for wireless and landline when competition matures.^{47/}

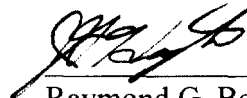
IV. CONCLUSION

By maintaining the service-specific overlay prohibition, the Commission will ensure that wireless services retain the ability to become a viable and accepted alternative to landline services consistent with the Commission's procompetitive policies. For these reasons, Vanguard urges the Commission to deny the Petition for Amendment to Rulemaking.

Respectfully submitted,

VANGUARD CELLULAR SYSTEMS, INC.

By:



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May 18, 1998

^{47/}

See Comments of AT&T at 13.

EXHIBIT 1

DECLARATION OF PATRICIA C. HUNEYCUTT

1. My name is Patricia C. Huneycutt. I am the Project Coordinator for Carrier Relations at Vanguard Cellular Systems, Inc. I have a Bachelor's degree from the University of North Carolina, Charlotte. I have worked at Vanguard for close to 3 years.
2. I am responsible for overseeing the administration and management of numbering resources for Vanguard's cellular operations. My responsibilities include the ordering and analysis of NPA-NXX codes. Consequently, I am familiar with Vanguard's use of numbering resources.
3. As the person primarily responsible for the management of Vanguard's numbering resources, I can attest that Vanguard is a very efficient user of these resources. For instance, recent calculations performed by Vanguard for the Pennsylvania Public Utility Commission indicate a fill rate in the 717 and 610 area codes exceeding 80 percent. This high fill rate is particularly significant because Vanguard does not serve the most populated urban areas of Pennsylvania. Rather, Vanguard serves medium-sized and smaller MSAs and RSAs.
4. Vanguard can maintain this high fill rate because it is able to use fewer rate centers to cover its territory than a comparable landline carrier would use. For instance, Vanguard uses 2 rate centers to cover the portion of the 610 area code that it serves, while there are more than 35 landline rate centers in the same area. Similarly, Vanguard uses 17 rate centers in the 717 area code, compared to the 267 landline rate centers in that region. The most important results of Vanguard's minimization of rate centers are that fewer numbers are needed to serve a given area and that Vanguard's use of numbers is much more efficient than most landline providers.
5. Vanguard also recycles its numbers very quickly. Even prior to Pennsylvania's adoption of numbering conservation measures, Vanguard recycled numbers within a 90-day period. Thus, Vanguard's fill rate includes a very high proportion of numbers that actually are in use, and very few numbers that are "held" or reserved for any purpose. Indeed, Vanguard has made continued efforts to maximize its efficiency in number usage by eliminating reserved blocks of numbers whenever possible and taking all reasonable steps to ensure that numbers are used to provide service, not left idle.
6. Vanguard holds only 7 percent of the assigned NXX codes in the 717 NPA and 3 percent of the assigned NXX codes in the 610 NPA. These codes have been assigned to Vanguard and its predecessors in interest over a period of more than 10 years. Thus, Vanguard has not been a significant contributor to area code exhaust in either area code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 1998


Patricia C. Huneycutt

EXHIBIT 2

DECLARATION OF SANDY KIERNAN


1. My name is Sandy Kiernan. I am Carrier Relations Manager at Vanguard Cellular Systems, Inc. I have a Bachelor's degree in Business from Marshall University. I also have completed significant course work towards a Master's degree in Business Administration. I have worked at Vanguard for about four and a half years.
2. I am responsible for overseeing interconnection matters, including implementation of local number portability. In addition, my group is responsible for all interconnection ordering, billing and technical issues. Consequently, I am familiar with the technical issues surrounding the implementation of local number portability. Specifically, I am responsible for overseeing the facilities upgrades necessary to query ported numbers and implement local number portability.
3. As the person primarily responsible for Vanguard's ability to query ported telephone numbers and to implement local number portability, I can attest that Vanguard is committed to making the upgrades necessary for number portability as soon as possible. Vanguard has, for instance, sought to obtain necessary software upgrades from its switch vendor on an expedited basis.
4. Vanguard's ability to perform the queries necessary to route ported numbers and to implement local number portability for its own customers depends on software upgrades to Vanguard's network facilities. Vanguard's current software does not support these functionalities. To my knowledge, no provider of wireless switching facilities now offers the ability to meet number portability requirements.
5. Vanguard's equipment vendor has informed Vanguard that the software necessary to query ported numbers will not be delivered until the fall of 1998. Vanguard has been selected as a "verification office" for the new software and thus, will be among the first to receive this technology from the vendor. If the equipment vendor meets this schedule, Vanguard expects to be able to perform its own queries on ported landline numbers by the end of 1998.
6. The unavailability of the software necessary to query ported numbers will prove costly to Vanguard. Until the software has been installed and the upgrade is operational, Vanguard must compensate other carriers to process local number portability queries. Thus, it is in Vanguard's best interest to perform this upgrade as soon as technically possible, and it is Vanguard's intent to do so.
7. Vanguard must purchase and install additional software to implement local number portability for its own customers. Vanguard's equipment vendor originally promised this software by early 1999 so that Vanguard could meet the June 30, 1999, regulatory deadline established by the FCC. Vanguard has been informed, however, that number portability functionality will not be included in the 1999 software revision. The vendor is

not committing to provide portability software until the following revision, which is scheduled for early 2000.

8. Vanguard has no feasible alternatives to obtaining a number portability upgrade to its current switching software. Vanguard does not have the resources to support standalone development of this functionality in house or through an independent contractor. Thus, Vanguard is dependent on its switch vendor to obtain number portability functionality. Without the necessary upgrades it is technically infeasible for Vanguard to provide any number portability functionality.
9. Implementation of a wireless-only overlay with takebacks would require Vanguard to devote enormous resources to reprogramming wireless handsets with the new area code. Vanguard's equipment vendor has not yet implemented over-the-air reprogramming, and even when that feature is available it will work only with certain advanced handsets that constitute about five percent of Vanguard's installed base. Even accounting for the small number of handsets that eventually will be programmable over the air, only 10 to 20 percent of Vanguard's customers would be able to reprogram their handsets. Thus, the overwhelming majority of Vanguard customers would have to bring their handsets to a service center for reprogramming a new area code required by a service-specific overlay

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 1998


Sandy Kiernan

CERTIFICATE OF SERVICE

I, Joslin Arnold, a secretary at Dow, Lohnes & Albertson, PLLC, do hereby certify that on this 18th day of May, 1998, a copy of the foregoing "Reply Comments of Vanguard Cellular Systems, Inc." was sent by hand delivery to the following:

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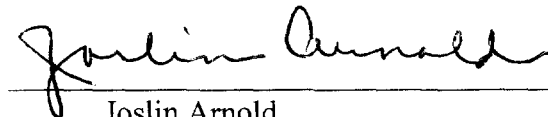
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Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051

The Honorable Gloria Tristani
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

Mr. A. Richard Metzger
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
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